

MICHIGAN SUPREME COURT
State Court Administrative Office
COMMUNITY DISPUTE RESOLUTION PROGRAM

ANNUAL REPORT 2011



Solving Problems Brought to Court

Increasingly, businesses, government agencies, and the public are aware that few cases filed in court actually go to trial. In Michigan, approximately two percent of all civil matters filed result in a trial. This means that the vast majority of cases are resolved by parties' settling their dispute "out of court," except for those cases that are resolved by summary disposition motions or default judgments.

With the Community Dispute Resolution Program (CDRP), Michigan citizens have at hand a ready means of trying to work out disputes with other parties. Mediation is an alternative to the traditional adversarial dispute resolution in the courts. Mediation is a process in which a trained, neutral person helps disputing parties reach a mutually satisfactory resolution. Unlike the adversarial nature of traditional litigation, mediation involves mutual problem solving, where the parties generate options they believe would best resolve their own conflict. In mediation, solutions are created by the parties, as opposed to litigation, in which the resolution of a conflict is imposed on parties. CDRP mediators are volunteers who have completed both a 40-hour training program approved by the State Court Administrative Office (SCAO) and a supervised internship. Mediators in domestic relations, guardianship, child welfare, and special education disputes have had additional advanced training as well.

Program Performance

Case Complexity Increases

CDRP centers are nonprofit, volunteer-based organizations that receive grant funding from SCAO. In 2011, SCAO distributed approximately \$1.65 million to 20 centers to support their work. These centers receive funding through a grant application process in which a portion of the funding is based on a prorata share of the civil court filing fees generated in their service areas, and a performance measurement, called the weighted

2011 At A Glance

Number of centers	20
Individuals involved in cases	33,352
Number of resolutions	6,978
Average days to disposition	23
Average duration of mediation (hours)	1.7
Resolution rate	68%
Average amount agreed to per case	\$2,732
Value of volunteer contribution	\$2,592,488

caseload score, that computes the efficiency of the centers. This score measures the complexity of the cases managed by a center based on time spent processing various case types. Table 1 reflects that 13 of 20 centers increased their weighted caseload score in 2011. The statewide total increased 12 percent.

Table 1: Weighted Caseload Scores, Two-year Comparison FY 2010-FY2011

CDRP Center (Primary County)	Weighted Caseload Score	
	FY 2010	FY 2011
Berrien	1,389.27	1,628.50
Charlevoix	1,172.55	1,334.70
Chippewa	639.34	747.00
Delta	475.71	825.60
Genesee	1,777.30	2,106.30
Gogebic	243.59	503.60
Grand Traverse	723.13	770.30
Ingham	1,884.04	1,831.50
Jackson	1,210.34	1,088.20
Kalamazoo	609.42	666.00
Kent	2,635.12	1,744.70
Macomb	1,461.45	1,695.80
Marquette	669.91	720.00
Muskegon	1,709.86	2,247.20
Oakland	4,215.47	4,985.30
Otsego	1,459.95	1,355.80
Ottawa	1,445.74	1,292.20
Tuscola	528.99	385.70
Washtenaw	1,319.48	1,186.60
Wayne	3,100.46	4,955.60
Statewide	28,671.10	32,070.60

While the statewide weighted caseload score increased, the total number of cases disposed decreased by 55 cases. A decline in the number of disposed cases, accompanied by an increase in the weighted caseload score, reflects that centers are managing more complex cases.

The graph below illustrates the CDRP centers' statewide trend from 2001 to 2011. The "Total Core" figure is the total number of cases that are disposed by mediation, conciliation, arbitration and facilitation; in the bottom section of the chart, all of these categories are separately identified. The "Total Disposed" figure is the total number of all cases disposed by the CDRP centers in the calendar year.

Over Two-thirds of Cases Settle

Statewide and individual center program dashboards, detailing numerous performance measures, can be found at <http://courts.michigan.gov/scao/resources/publications/reports/summaries.htm#cdrpdash>.

Centers disposed of 14,601 cases in 2011, and court

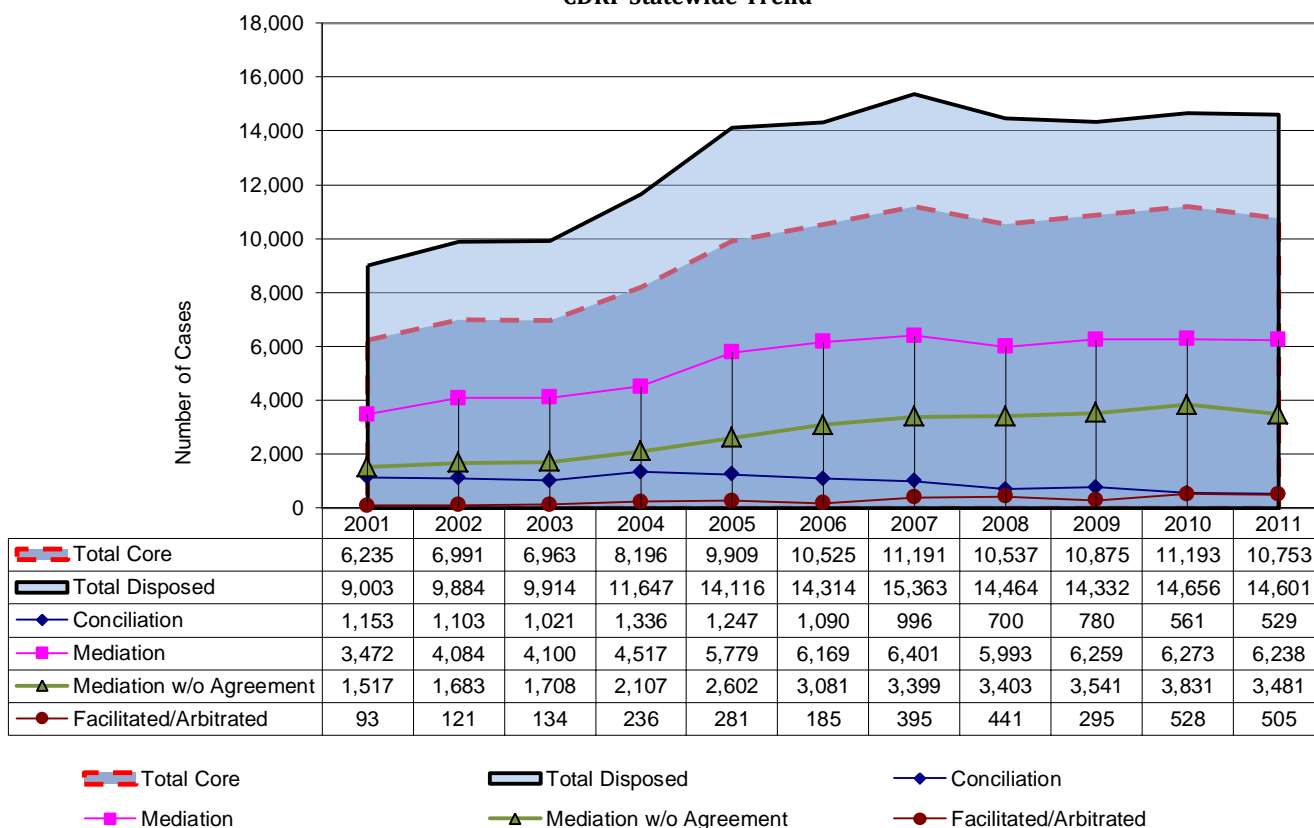
referrals constituted 80 percent of all cases. The centers completely or partially resolved 6,978 cases, and provided meeting facilitation services in an additional 503 matters.

A resolution rate of 68 percent was realized when all parties agreed to use centers' services. This was achieved either through the formal mediation process, or informally through correspondence or telephone conversation. The combined financial settlements of cases presenting economic issues were \$8,356,006. The average financial settlement per case was \$2,732, an increase of \$225 per case over 2010.

Agreements Are Kept in Three of Four Cases

Based on random surveys conducted on cases that were conciliated or mediated with agreement, 79.3 percent of the agreements reached were upheld or partially upheld in family division cases and 76.1 percent of the agreements reached in general civil or other cases were upheld or partially upheld.

CDRP Statewide Trend



Mediation results in the quick resolution of matters. For example: on average, a case was disposed within 23 days of intake and the average mediation session lasted just over one and one-half hours.

Contract, landlord-tenant, and domestic relations matters comprised nearly 68.9 percent of the 14,601 cases disposed in 2011.

Volunteers Nearly Double Cash Investment

Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. Over 19,686 hours of service were contributed by volunteers in 2011. In market value equivalents, this represents a contribution of \$2,592,488. Centers also receive a number of donated goods and services such as rent, photocopying services, accounting services, and purchase discounts. The market value of these goods and services totaled \$132,102. Considered together, for every dollar invested by grant awards, an additional \$1.65 of in-kind services was generated.

Evaluation and Court Rules Update

In 2011, the Office of Dispute Resolution managed several initiatives related to court rule and policy reviews. First, the SCAO published a study of the efficacy of mediation and case evaluation, titled “The Effectiveness of Case Evaluation and

Mediation in Michigan Circuit Courts.” The study’s authors concluded that mediation was generally more effective than case evaluation in achieving case dispositions, and encouraged courts to consider using mediation earlier in the litigation process.

A second evaluation released in 2011 examined the effect of mediating cases already case-evaluated under \$25,000. This study found that 72 percent of cases referred to CDRP centers resulted in final disposition either before or at mediation sessions.

In 2011, the SCAO also convened a committee to review the SCAO’s “Michigan Standards of Conduct for Mediators,” originally published in 2001. The committee’s recommendation for revising the standards will be provided to the State Court Administrator in 2012.

Additionally, the SCAO convened a committee to review the SCAO’s “Mediator Training Standards and Procedures,” last revised in 2005. This committee will also issue a report to the State Court Administrator in 2012 recommending amendments to the training requirements for general civil and domestic relations mediators.

Evaluation and committee reports can be found at: <http://courts.michigan.gov/scao/resources/publications/reports/summaries.htm#arss>.

Contact a Local Mediation Center

Local CDRP centers can be contacted by calling 1-800-8RESOLVE (1-800-873-7658).

Statistical Supplement and Public Education Materials Available

Additional CDRP information, including statistical supplements, public education materials, and downloadable brochures, can be found on SCAO’s website at: <http://courts.michigan.gov/scao/dispute/index.htm>.



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